

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WILMINGTON DIVISION

IN RE:	CASE NO:
SURF CITY INVESTMENTS, LLC	11-01398-8-RDD
DEBTOR(S)	CHAPTER 11

**NOTICE OF PROPOSED PUBLIC SALE AND  
NOTICE OF COMPENSATION OF AUCTIONEER**

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

TO: ALL PARTIES IN INTEREST

Pursuant to 11 U.S.C. §363(b), Federal Rules of Bankruptcy Procedure 6004, 2002 (a), and 2002 (c) (1), notice is hereby given that JOHN C. BIRCHER III, Chapter 11 Trustee in the above referenced case (“Trustee”) proposes to sell the following described property:

**Oceanfront Hotel located at 124 North Shore Drive  
Surf City, North Carolina  
Lots 12 and 15, Block 23**

Notice is further given that the Trustee proposes to sell said property at the date, time and place as hereinafter set out:

**DATE: September 23, 2011  
TIME: 10:00 AM  
PLACE: 124 North Shore Drive  
Surf City, North Carolina**

The Trustee filed an application with the Court to approve the employment of Mike Gurkins of Country Boys Auction & Realty as Auctioneer in this case. Mr. Gurkins’ compensation shall be standard scale compensation of 10% of first \$25,000 in sales, and 4% on the balance.

The auctioneer’s compensation includes all ordinary, reasonable and necessary expenses of the sale.

If you do not want the court to allow the sale and compensation, or if you want the court to consider your views on the sale and compensation, then on or before **September 22, 2011 at 5:00p.m.**, unless otherwise ordered, you or your attorney must file with the court, pursuant to 9014-2, a written response, an answer explaining your position.

Pursuant to that Memorandum from Chief Bankruptcy Judge J. Rich Leonard, EDNC, dated February 24, 2005, attorneys practicing in the United States Bankruptcy Court for the Eastern District of North Carolina, including attorneys admitted pro hac vice, are required to file electronically all documents [including new bankruptcy petitions, motions, memoranda of law, and other pleadings, but excluding proofs of claim and documents to be placed under seal in accordance with Local Bankruptcy Rule 5005-4(6)]. Any documents required to be filed electronically pursuant to Local Bankruptcy Rule 5005-4(1) but presented in paper form on or after April 1, 2005, shall be accompanied by an application for an exemption from this rule and a proposed order granting the relief sought. The application shall state the reason(s) why electronic filing would impose an extreme hardship on the attorney. Local Bankruptcy Rules pertaining to electronic filing, including Local Bankruptcy Rules 5005-4(1) and 5005-4(2) may be found on the Court's website [www.nceb.uscourts.gov](http://www.nceb.uscourts.gov). Electronic filing may be done through the Court's web site. The Court's mailing address is at:

Clerk, U.S. Bankruptcy Court  
Eastern District of North Carolina  
1760-A Parkwood Blvd.  
Wilson, North Carolina 27893-3564

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Marjorie K. Lynch, Esquire Bankruptcy Administrator Post Office Box 3758 Wilson, North Carolina 27894-3758	John C. Bircher III Chapter 7 Trustee 1319 Commerce Drive New Bern, NC 28562
Surf City Investments, LLC 7225 Wrightsville Ave., Rm. 5 Wilmington, NC 28403	Laurie B. Biggs Attorney at Law 9208 Falls of Neuse Road, Suite 111 Raleigh, NC 27615
Matthew W. Buckmiller Attorney at Law 575 Military Cutoff Road, Ste 106 Wilmington, NC 28405	

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the notice at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the sale and compensation and may enter an order granting that relief.

DATED: September 12, 2011

/s/ John C. Bircher III

John C. Bircher III

State Bar No. 24119

1319 Commerce Drive

New Bern, NC 28562

Telephone: (252) 638-5792

Facsimile: (252) 637-7548

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WILMINGTON DIVISION

IN RE:

SURF CITY INVESTMENTS, LLC

DEBTOR(S)

CASE NO:

11-01398-8-RDD

CHAPTER 11

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies under penalty of perjury that she is over eighteen (18) years of age and the **NOTICE OF PROPOSED PUBLIC SALE AND NOTICE OF COMPENSATION OF AUCTIONEER** was this day served upon the below named persons, parties and/or counsel by mailing, postage prepaid, first class mail, a copy of such instruments to such persons, parties and/or counsel at the address shown or as indicated below:

Marjorie K. Lynch, Esquire Bankruptcy Administrator Post Office Box 3758 Wilson, North Carolina 27894-3758	John C. Bircher III Chapter 7 Trustee 1319 Commerce Drive New Bern, NC 28562
Surf City Investments, LLC 7225 Wrightsville Ave., Rm. 5 Wilmington, NC 28403	Laurie B. Biggs Attorney at Law 9208 Falls of Neuse Road, Suite 111 Raleigh, NC 27615
Matthew W. Buckmiller Attorney at Law 575 Military Cutoff Road, Ste 106 Wilmington, NC 28405	Wells Fargo Bank, NA c/o A. Lee Hogewood, III, Esq. 4350 Lassiter at North Hills Avenue Suite 300 Raleigh, NC 27619-7047
Attached mailing matrix	

DATED: September 12, 2011

/s/ Robyn J. Kirschner  
Robyn J. Kirschner, NCCP  
1319 Commerce Drive  
New Bern, NC 28562  
Telephone: (252) 638-5792  
Facsimile: (252) 637-7548

Label Matrix for local noticing  
0417-8  
Case 11-01398-8-RDD  
Eastern District of North Carolina  
Wilson  
Mon Sep 12 14:13:12 EDT 2011  
Wells Fargo

Stubbs & Perdue, P.A.  
PO Drawer 1654  
New Bern, NC 28563-1654

Surf City Investments, LLC  
7225 Wrightsville Ave., Rm. 5  
Wilmington, NC 28403-7224

Wells Fargo Bank  
Attn: Managing Agent  
300 N. Thrld St  
Second Floor  
Wilmington, NC 28409

U. S. Bankruptcy Court  
1760 A Parkwood Blvd.  
Wilson, NC 27893-3588

Alan Lesesky  
PO Box 10880  
Rock Hill, SC 29731-0880

Andy Redmond  
8114 6th Ave  
N. Topsail Beach, NC 28460-8052

Beach House Yacht Club Owners Association, I  
c/o Oliver Carter III; Carter & Carter  
408 Market Street  
Wilmington, NC 28401-4547

Branch of Reorganization  
ATTN: Managing Agent  
3475 Lenox Road NE #1000  
Atlanta, GA 30326-3235

Capt. Tim Homer  
PO Box 2333  
Surf City, NC 28445-0020

Charles F. Riggs & Assoc.  
Attn: Managing Agent  
PO Box 1570  
Jacksonville, NC 28541-1570

Charles Haynes  
3905 Bentley Brook Drive  
Raleigh, NC 27612-8077

Charter Business Comm.  
Attn: Managing Agent  
PO Box 742600  
Cincinnati, OH 45274-2600

Crab Pointe Bay, LLC  
Attn: Managing Agent  
1900 Eastwood Rd, Ste 11  
Wilmington, NC 28403-7206

David & Shannon Luther  
PO Box 2394  
Surf City, NC 28445-0020

David Adams  
1120 Glousman Rd  
Winston Salem, NC 27104-1217

David Gemmill  
20 Foxchase Drive  
Burlington, NJ 08016-3044

Dexter Blizzard  
PO Box 2545  
Surf City, NC 28445-0028

Dockside Restaurant & Bar WB, Inc.  
Attn: Managing Agent  
1308 Arlie Rd  
Wilmington, NC 28403-3727

Donald Barnes  
619 Park Ave  
Goldsboro, NC 27530-2866

Donald R. Komblet  
30 Portland Place  
Saint Louis, MO 63108-1204

Donnie Holmes  
115 Queensferry Rd  
Cary, NC 27511-6311

Douglas K. Leech  
7225 Wrightsville Ave., Rm. 5  
Wilmington, NC 28403-7224

Ecno Oil, Inc.  
Attn: Managing Agent  
PO Box 397  
Clinton, NC 28329-0397

Employment Security Com.  
ATTN: Managing Agent  
PO Box 25903  
Raleigh, NC 27611-5903

Flat Iron Capital  
Attn: Managing Agent  
950 17th St, Ste1300  
Denver, CO 80202-2818

Gene Murray  
202 Oceaneena Drive  
N. Topsail Beach, NC 28460

George Dayton  
4433 Guinea Rd  
Annandale, VA 22003-3805

Greg Leighton  
100 Monabreeze Way  
Garner, NC 27529-4367

Henry Dail  
825 Hwy 24 East  
Kenansville, NC 28349

Ike Leggett  
PO Box 400  
Rixeyville, VA 22737-0400

Internal Revenue Service  
Attn: Managing Agent  
PO Box 7346  
Philadelphia, PA 19101-7346

Jeff Jordan  
1824 Falls River Ave  
Raleigh, NC 27614-7737

Jennifer Y. Leech  
7225 Wrightsville Ave., Rm. 5  
Wilmington, NC 28403-7224

Jerry & Nancy Green  
PO Box 2332  
Holly Ridge, NC 28445-0020

John Batal  
PO Box 7069  
Fairfax Station, VA 22039-7069

Ken Holt  
8217 Victoria Lake Drive  
Waxhaw, NC 28173-9819

L. Mark Yow  
7225 Wrightsville Ave., Rm. 5  
Wilmington, NC 28403-7224

Larry Strother  
6777 Surrey Rd  
Fayetteville, NC 28306-2592

Lionel L. Yow  
7225 Wrightsville Ave., Rm. 5  
Wilmington, NC 28403-7224

Mark Whelehan  
7303 Hepatica Lane  
Summerfield, NC 27358-9272

Michael Martin  
209 Edinburgh Drive  
Cary, NC 27511-6407

Michael Underwood & Assoc., P.A.  
Attn: Managing Agent  
102 Cinema Dr., Suite C  
Wilmington, NC 28403-1468

Mitch Thompson  
109 Farren Court  
Cary, NC 27511-4559

NC Dept. of Revenue  
ATTN: Managing Agent  
PO Box 25000  
Raleigh, NC 27640-0100

Nicholas Swinson  
681 Tearshirt Rd  
Mount Olive, NC 28365-5449

Pender Co Tax Collector  
Attn: Managing Agent  
PO Box 1047  
Burgaw, NC 28425-1047

Ralph Holbrook  
2603 Seven Lakes South  
West End, NC 27376

Regions Bank  
Attn: Managing Agent  
PO Box 15710  
Wilmington, DE 19886-5710

Richard Garrity  
801 South Shore Drive  
Surf City, NC 28445-6709

Robert Spencer  
3929 Falls River Ave  
Raleigh, NC 27614-7413

Sam Houston  
6009 Sentinel Drive  
Raleigh, NC 27609-3511

Scott Carpenter  
701 Kirkeenan Circle  
Morrisville, NC 27560-7099

Secretary of Treasury  
ATTN: Managing Agent  
1500 Pennsylvania Ave NW  
Washington, DC 20220-0001

Sharon Crawford  
126 Fairmax Rd  
Goldsboro, NC 27534-8975

Signal Design, Inc.  
Attn: Managing Agent  
7780 Brier Creek Pkwy, Ste 415  
Raleigh, NC 27617-7882

Smith 2 Architecture + Design, PLLC  
Attn: Managing Agent  
1409 Audubon Blvd., Ste. B4  
Wilmington, NC 28403-6753

Stanley Austin  
117 Canvasback Point  
Hampstead, NC 28443-7158

Todd Lang  
1436 Dixie Trail  
Raleigh, NC 27607-6733

Tom Holland  
1455 Mechanical Blvd  
Garner, NC 27529-2538

Tony Fann  
119 Grant St  
Sneads Ferry, NC 28460-9671

Tony Trevathan  
419-B N. New River Dr  
Surf City, NC 28445-6607

Town of Surf City Tax Coll  
Attn: Managing Agent  
PO Box 2745  
Holly Ridge, NC 28445-0030

United States Attorney  
310 New Bern Avenue  
Federal Bldg Suite 800  
Raleigh, NC 27601-1461

Wallace John Diehl  
C/O Wally Diehl  
6007 Graystone Dr.  
Chapel Hill, NC 27514-9564

Wells Fargo Bank  
Attn: Managing Agent  
300 N. Third St, 2nd Floor  
Wilmington, NC 28401-4098

Wells Fargo Bank  
c/o Terri Gardner, Attny  
4140 Parklake Ave, 2nd Floor  
Raleigh, NC 27612-3723

Wells Fargo Bank, NA  
c/o A. Lee Hogewood  
PO Box 17047  
Raleigh, NC 27619-7047

Xanadu Plantation, LLC  
Attn: Managing Agent  
7225 Wrightsville Ave., Rm. 5  
Wilmington, NC 28403-7224

Yow Operations, LLC  
Attn: Managing Agent  
7225 Wrightsville Ave., Rm. 5  
Wilmington, NC 28403-7224

Charles G. Haynes  
3905 Bentley Brook Drive  
Raleigh, NC 27612-8077

Douglas K. Leech  
1900 Eastwood Rd, Ste 11  
Wilmington, NC 28403-7206

Gary K Shipman  
Shipman & Wright, LLP  
575 Military Cutoff Road, Suite 106  
Wilmington, NC 28405-8703

Gary K. Shipman  
Shipman & Wright, L.L.C.  
575 Military Cutoff Road  
Suite 106  
Wilmington, NC 28405-8703

(p)JOHN C BIRCHER III  
WHITE & ALLEN PA  
1319 COMMERCE DRIVE  
PO DRAWER U  
NEW BERN NC 28563-8520

L. Mark Yow  
1900 Eastwood Rd, Ste 11  
Wilmington, NC 28403-7206

Laurie B. Biggs  
Stubbs & Perdue, PA  
9208 Falls of Neuse Road, Suite 111  
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Shipman & Wright, LLP  
575 Military Cutoff Rd., Ste. 106  
Wilmington, NC 28405-8703

Trawick H Stubbs Jr.  
Stubbs & Perdue, P.A.  
P. O. Drawer 1654  
New Bern, NC 28563-1654

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

John C. Bircher III  
White & Allen, PA  
1319 Commerce Drive  
PO Drawer U  
New Bern, NC 28562

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Bankruptcy Administrator

(u)Beach House Yacht Club Owners Association,

(u)Wells Fargo Bank, N.A., Successor by Merge

(u)Wells Fargo Bank, successor by merger with

(d)Dexter Blizzard  
PO Box 2545  
Surf City, NC 28445-0028

(u)Michael C. Brown Jr.

(u)Rand Burchfield  
Coldwell Banker - Sea Coast Realty

(d)Sharon Crawford  
126 Fairmax Rd  
Goldsboro, NC 27534-8975

End of Label Matrix	
Mailable recipients	79
Bypassed recipients	8
Total	87